

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

FILED
U.S. DISTRICT COURT
GEORGIA
OCT 31 PM 4:24

TERRY JOE LORENZ,

*

Petitioner,

*

VS.

*

CASE NO. 1:03-CR-11 WLS

UNITED STATES OF AMERICA,

*

Civil Case No. 1:05-CV-121

Respondent.

*

**ORDER DENYING APPLICATION
FOR CERTIFICATE OF APPEALABILITY**

Petitioner Lorenz filed a Notice of Appeal from this Court's Judgments of June 19, 2006, and October 19, 2006, denying his Motion To Vacate, Set Aside, or Correct his Sentence Pursuant to 28 U.S.C. § 2255 and Motion For Reconsideration thereof respectively. He made no separate Application For Certificate of Appealability (COA),¹ but applied for leave to proceed on appeal *in forma pauperis*. Title 28 U.S.C. § 2253(c) provides that :

Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from —

(1)(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of a process issued by a State court: or

(B) the final order in a proceeding under section 2255.

(2) A certificate of appealability may issue under ¶ (1) only if the applicant has made a substantial showing of the denial of a constitutional

¹If the putative appellant does not make an express request for a COA, the district court should treat his notice of appeal as an application for a COA. Fed.R.App.22(b)(1); *Edwards v. United States*, 114 F.3d 1083, 1084 (11th Cir. 1997).

right.

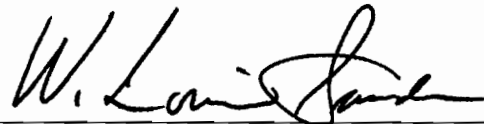
To make a substantial showing of the denial of a constitutional right, a petitioner must “show that reasonable jurist could debate whether (or for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Anderson v. Secretary For Depart. Of Corrections, 462 F.3d 1319, 1323 (11th Cir. 2006).

In his Motion To Vacate, Set Aside, or Correct his Sentence Pursuant to 28 U.S.C. § 2255, Petitioner Lorenz made four vague and conclusory claims of ineffective assistance of counsel, each of which was contradicted by the facts contained in the record of his Plea Agreement with the Government and the transcripts of his Change of Plea and Sentencing Hearings. He does not proffer here the substantial denial of any constitutional right, nor suggest that reasonable jurist could disagree with the district court’s resolution of his constitutional claims, if any. Petitioner has made no substantial showing of the denial of a constitutional right upon which to base an appeal.

WHEREFORE, Petitioner is hereby DENIED a Certificate of Appealability in this matter.

SO ORDERED this 31st day of October, 2006.

A handwritten signature in black ink, appearing to read "W. Louis Sands", written over a horizontal line.

Hon. W. Louis Sands, Judge
United States District Court